

REMARKS

I. Status of the Claims

Claims 1, 3 and 34-55 are pending. Claims 1, 3, 46 and 47 stand rejected, and claims 34-45 and 48-55 are objected to. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

II. Interview Summary

Applicants agree with and hereby adopt the Examiner's Interview Summary mailed on October 20, 2004. Applicants further note the withdrawal of the §112, first paragraph rejection.

III. Substitute Corrected Sequence Listing

During the telephonic interview held on October 13, 2004, applicants were informed that the sequence listing of record did not appear to correspond with the sequence designations in the claims and specification. Upon further review, this appeared to be the case, and hence a new sequence listing is being submitted.

IV. Rejections Under 35 U.S.C. §102

A. *Panorama Research*

Claim 47 stands rejected under §102(b) over WO 94/02589 from Panorama Research. Applicants believe that the reference does not specifically disclose the sequence of SEQ ID NO:19, but rather discloses a longer (SEQ ID NO:7 of the cited art) or shorter (SEQ ID NO:11 of the prior art) sequence. As claim 47 is a "consisting of" claim, it is believed that anticipation requires prior disclosure of the *precise* peptide as claimed. Applicants believe that the reference

fails to disclose this precise peptide, but rather, merely smaller and larger structurally-related peptides. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

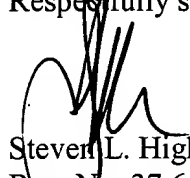
B. *Larrick et al.*

Claims 1, 3 and 46 stand rejected as anticipated by Larrick *et al.* The sequence in question is SEQ ID NO:17. Applicants have reviewed the reference and cannot find the *precise* sequence as claimed. Thus, the rejection is traverse.¹

V. Conclusion

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early notification to that effect is solicited. The examiner is invited to contact the undersigned at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application. Please date stamp and return the enclosed postcard as evidence of receipt.

Respectfully submitted,



Steven L. Highlander, Esq.
Reg. No. 37,642
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3184

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¹ The problem here may be the discrepancy between the SEQ ID NOS in the claims and in the previous, defective sequence listing.

bcc: Mr. Zev Sunleaf (w/encl.)
Brian F. Tack, Ph.D. (w/encl.)
Paul B. McCray, Jr., Ph.D. (w/encl.)
Michael Welsh, Ph.D. (w/encl.)
Sue M. Travis, Ph.D. (w/encl.)
Robert Lehrer (w/encl.)
Mr. Won Joe (w/encl.)
Linda Stevenson, Manager (w/encl.)